

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

DMM/Ricks

Mailed: July 1, 2003

Opposition No. 91124176

C.H. OSTFELD S.A.S. DI  
OSTFELD CLAUDE HERBERT, A  
LIMITED PARTNERSHIP OF ITALY

v.

IOMEGA CORPORATION

**David Mermelstein, Attorney:**

Now before the Board, is opposer's October 24, 2002, request for cancellation of an erroneously issued registration. The Board notes that the subject application was restored to pendency on January 24, 2003. The Board regrets the delay in taking action on this matter.

On October 18, 2002, applicant filed a proposed amendment to its application Serial No. 75/378,779, with opposer's consent. By the proposed amendment applicant seeks to amend the identification of goods to:

Computer software exclusively for use in accessing and operating removable computer data storage disks and drives and CD-ROM disks and drives, and enabling removable computer data storage drives and CD-ROM drives to support the performance of data operations, namely the copying, retrieval, management and location of data, and data storage disaster recovery; and user manuals sold as a unit therewith.

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Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition,<sup>1</sup> failing which the opposition will go forward on the application as amended. See Trademark Rule 2.106(c).

Proceedings are otherwise SUSPENDED.

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<sup>1</sup> If opposer indeed intends to withdraw the opposition upon entry of the amendment, it would have been more efficient for the parties to file - at the same time as applicant's consented amendment - opposer's withdrawal of the opposition, contingent upon the Board's approval of the amendment, saving the parties the burden of preparing a separate withdrawal, saving the Board the burden of preparing another order, and speeding the termination of this matter by the several weeks (at least) that it will take for opposer to prepare and file its withdrawal (with applicant's written consent), and for the Board to receive and process the paper.